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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 6 June 2005 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Commission

The Permanent Mission of Norway to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and, with reference to the latter's note verbale dated 11 May 2005, has the honour to transmit herewith the report of the Government of Norway in accordance with paragraph 20 of Security Council resolution 1596 (2005) (see annex).

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Annex to the note verbale dated 6 June 2005 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

REPORT TO THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO COUNCIL RESOLUTION 1533 (2004) CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO, CF. PARAGRAPH 9 OF THAT RESOLUTION

NORWAY

I. Introduction

1. Norway is fully committed to complying with the demand, laid down in paragraph 1 of resolution 1596 (2005) which reaffirms and extends the measures established by paragraph 20 of resolution 1493 (2003), that all States take the necessary measures to prevent the supply of arms and any related materiel or assistance to any recipient in the territory of the Democratic Republic of the Congo.

2. Norway is fully committed to complying with the demand, laid down in paragraph 13 of resolution 1596 (2005), that during the period of enforcement of the measures referred to in paragraph 1 of resolution 1596 (2005), all States take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 of resolution 1596 (2005).

3. Norway is fully committed to complying with the demand, laid down in paragraph 15 of resolution 1596 (2005), that during the period of enforcement of the measures referred to in paragraph 1 of resolution 1596 (2005), immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of resolution 1596 (2005), which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13 of resolution 1596 (2005), or that are held by entities or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee. Furthermore, Norway is fully committed to complying with the demand, laid down in paragraph 15 of resolution 1596 (2005) that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities.

II. Legal measures

4. Section 1 of Act of 7 June 1968 No. 4[1] relating to the implementation of mandatory decisions of the Security Council of the United Nations provides the legal basis for the King in Council to issue such regulations as are necessary in order to implement such decisions.

[1] Enclosure No. 1

5. The regulations of 10 October 2003 No. 1221 relating to sanctions against the Democratic Republic of the Congo were laid down pursuant to section 1 of the above-mentioned Act in order to implement the measures laid down in resolution 1493. The regulations were amended in order to implement the measures laid down in resolution 1596. The amended regulations will be sent to the Committee on a later stage.

6. Pursuant to section 2 of the above-mentioned Act, any wilful or negligent contravention of the regulations, or assistance thereto, is punishable by fines, imprisonment or both.

7. Pursuant to section 3 of the above-mentioned Act, objects which are imported or exported in contravention of the regulations, or in regard to which an attempt to import or export has been made, as well as any means of payment or securities employed in contravention of the regulations, may be confiscated by court order.

III. Cooperation with the Committee, the Group of experts and MONUC

8. Norway will continue to cooperate fully with the Committee, the Group of experts and MONUC. Norwegian authorities are not aware of any violations of the measures imposed by paragraphs 1, 13 and 15 of resolution 1596 (2005).

Act No. 4 of 7 June 1968 relating to the implementation of mandatory decisions of the Security Council of the United Nations

§ 1. The King is authorized to take such decisions as are necessary in order to implement mandatory decisions of the Security Council of the United Nations.

The King determines whether a decision of the Security Council is mandatory.

§ 2. Anyone who wilfully contravenes or is wilfully accessory to the contravention of provisions issued pursuant to this Act is liable to fines or to a maximum term of three years' imprisonment or both.

Anyone who through negligence contravenes or is through negligence accessory to the contravention of such provisions as mentioned in the first paragraph is liable to fines or a maximum term of six months' imprisonment or both.

If the offence is committed by someone who has acted on behalf of a company, a foundation or an association, a fine may also be imposed on the company, foundation or association.

Section 12 a of the Penal Code is not applicable.

§ 3. Objects which are imported or in regard to which an attempt has been made to import, or exported or in regard to which an attempt has been made to export, in contravention of any provisions issued pursuant to this Act, as well as any means of payment or securities employed in contravention of such provisions, may be confiscated by court order irrespective of ownership and without criminal proceedings being instituted, or the possibility of their being instituted, against any party. If confiscation does not prove possible, the offender or the party on whose behalf he has acted may be ordered by the court to pay an amount equivalent to the partial or entire value of the objects without the necessity or possibility of instituting criminal proceedings against any party.

Confiscation in terms of this provision is not to be considered a penalty.

§ 4. This Act enters into force immediately.